

ORIGINAL

ORDINANCE NO. 874

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING SHORELINE MUNICIPAL CODE SECTION 3.35.150
MUNICIPAL ART FUND.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, in 2002, with the adoption of Ordinance No. 312, the City Council recognized the importance and benefit of providing visual art by creating a municipal art fund, now codified at Shoreline Municipal Code (SMC) 3.35.150, to provide funding for works of art in public places; and

WHEREAS, SMC 3.35.150 requires that one percent of the funding for qualifying municipal constructions projects be budgeted as a revenue source for the municipal art fund; and

WHEREAS, the definition of qualifying municipal projects set forth in SMC 3.35.150 results in a restriction as to what types of projects can contribute to the municipal art fund; and

WHEREAS, in 2017, with Resolution No. 404, the City's 2017-2022 Public Art Plan was adopted setting forth goals and implementation strategies, including greater financial sustainability for the public art program and articulating a need for implementing alternate or additional funding sources; and

WHEREAS, projections for contributions to and expenditures from the municipal art fund anticipate that the fund is expected to be depleted in 2022; and

WHEREAS, in order to provide a more stable and higher level of funding, the types of projects required to contribute to the municipal art fund needs to be expanded;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF
SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Amendment to Chapter 3.35, Section 3.35.150 Municipal art fund. SMC 3.35.150 is amended as set forth in Exhibit A to this Ordinance.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

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Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JANUARY 6, 2020.




Mayor

ATTEST:

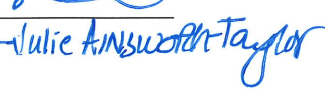


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Margaret King
Asst. City Attorney


Julie Kinsworth Taylor

Date of Publication: January 9, 2020
Effective Date: January 14, 2020

SMC 3.35.150 Municipal art fund.

A. There is created a fund to be known as the "municipal art fund" to account for resources which are transferred from other funds, secured from grants, or donated by the private sector and designated to provide visual art in public places. ~~receive appropriations under this section and donations and grants for visual art in public places within the city. Expenditures are restricted to those approved through the city's public art policy approved by the city council. Ending fund balances, including interest earned on transferred funds, will~~ shall be carried over from year to year.

B. Each capital project included in the adopted Capital Improvement Program, except for projects in the City Facilities - Major Maintenance Fund, shall appropriate one percent (1%) of the Construction Project Phase budget for that project and shall display this budgeted amount as Public Art Plan Funding. If the City Council determines that the public interest would be better served, the Council may increase, reduce, or eliminate this appropriation. ~~The city's capital improvement program, as annually updated, will budget one percent of the capital improvement program funding for qualifying municipal construction projects, defined in subsection C of this section, beginning with the 2003 program budget, as a revenue source for the municipal art fund; provided, contribution from a particular qualifying municipal construction project budget may be eliminated or reduced if the city council determines that the public interest would be better served by the reduction. This budgeted amount will be displayed for that year as arts program funding in the adopted capital improvement program. Funds shall be transferred to the municipal art fund based on one percent of the total amount of the project contract as originally approved by the city council or city manager without adjustment for contract change orders. However, when the annual art plan calls for project art in the form of structural elements or design, funds may be transferred at the beginning of the budget year or when needed, based on one percent of the project budget in the capital improvement program, to allow timely and coordinated selection and production of the public artwork.~~

C. The City Manager or designee shall promulgate rules of procedures for the financial administration of the municipal art fund and Public Art Plan Funding consistent with the City Council-approved Public Art Policy and adopted Public Art Plan. ~~Qualifying Municipal Construction Projects. Qualifying municipal construction projects are capital construction projects funded wholly or in part by the city of Shoreline to construct any building, decorative or commemorative structure, park facility, street, sidewalk and parking facility, which is accessible to the public, or to repair or reconstruct any portion thereof where cost of construction exceeds 50 percent of the existing valuation of the structure. Qualifying municipal construction projects shall not include acquisition of real property or equipment, routine maintenance, the repair of existing public facilities including life cycle replacement, or the replacement of fixtures in such facilities. Design fees, taxes, testing, reimbursable costs, and internal city construction management costs shall not be included in the one percent calculation.~~

D. ~~In the case of a qualifying municipal construction project that involves the use of grants, bonds, or sources of funding other than the city's general fund, the one percent calculation will be based on the total source of funds that allow for art as an authorized expense. [Ord. 312 § 1, 2002]~~

